

## **REMARKS**

### **1. Status of the Claims**

Claims 18, 19, 23-26, 28, 29, 31 and 39 are pending, claim 39 being newly added.

### **2. Support for the Amendments**

Support for new claim 39 is found in original claim 17. Claims 18, 19, 23-26 and 29 have been amended to more particularly point out that the fragment of the monoclonal antibody obtainable from a cell of hybridoma ECACC Deposit No. 03073001 is an *antigen-binding* fragment. Support for the amendment is found, for example, at page 6, line 30 – page 7, line 8.

Certain additional changes have been made to expedite prosecution. Claims 18 has been further amended to remove “or derived from”. Claim 27 has been cancelled.

All claim amendments and cancellations are made without prejudice.

### **3. Restriction Requirement and Election with Traverse**

In the Restriction Requirement, the Office requires restriction of the invention to one of the following groups:

- |                  |                                                                                                                                                                                                                                                    |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Group I</b>   | Claims 18 and 23-37, directed to a monoclonal antibody obtainable from ECACC Deposit No. 03073001 or fragment thereof; and a diagnostic kit or biological targeting device comprising said antibody or fragment.                                   |
| <b>Group II</b>  | Claim 19, directed to a method of detecting an astrocytoma cell and a primary breast carcinoma cell in a sample comprising contacting a cell sample with to a monoclonal antibody obtainable from ECACC Deposit No. 03073001, or fragment thereof. |
| <b>Group III</b> | Claim 29, insofar as the claim is drawn to a method of treating a malignant astrocytoma in an individual by inducing apoptosis in cells of the individual which express an MQ1 protein, comprising the step of treating                            |

an individual with a monoclonal antibody obtainable from ECACC  
Deposit No. 03073001, or fragment thereof.

**Group IV** Claim 29, insofar as the claim is drawn to a method of treating a malignant melanoma secondary tumor in an individual by inducing apoptosis in cells of the individual which express an MQ1 protein, comprising the step of treating an individual with a monoclonal antibody obtainable from ECACC Deposit No. 03073001, or fragment thereof.

**Group V** Claim 29, insofar as the claim is drawn to a method of treating a primary breast carcinoma in an individual by inducing apoptosis in cells of the individual which express an MQ1 protein, comprising the step of treating an individual with a monoclonal antibody obtainable from ECACC Deposit No. 03073001, or fragment thereof.

Claims 28 and 31 have been identified as linking claims, linking the inventions of Groups III-V.

Applicants elect the claims of Group I. The election is made with traverse.

The Detailed Action alleges that the claims lack inventive step over *Immunobiology 5* (ed. Janeway *et al.*), which teaches that an Fc fragment may be obtained from an antibody by papain cleavage. Thus, it is alleged that the antibody fragment of claim 18 is not a special technical feature, and the claims do not relate to a single general inventive concept as required by PCT Rule 13.1

Claims 18, 19, 23-26 and 29 have been amended to more particularly point out that the fragment of the monoclonal antibody obtainable from a cell of hybridoma ECACC Deposit No. 03073001 is an antigen-binding fragment. The amendment distinguishes the invention over the general teachings of Fc fragments in *Immunobiology 5*. It is respectfully submitted that the antibody of the deposited hybridoma, and antigen-binding fragments of that antibody, comprise a special technical feature in common to all of the pending claims. Thus, reconsideration and withdrawal of the restriction requirement as it relates to Groups I-V is respectfully requested.

Newly added claim 39, directed to a hybridoma cell of ECACC Deposit No. 03073001, is believed to be properly grouped with Group I. The claim is directed to the monoclonal antibody product of the hybridoma cell, and antigen-binding fragments of that antibody.

In view of the herein amendments and applicants' traversal above, the claims that are believed directed to the elected invention are all the pending claims. Applicants request rejoinder and examination of all claims.

**4. Specification Amendments**

The specification has been amended to convert browser-executable text at pages 16-17, and to insert the address of the depository at page 4.

**5. Conclusion**

The claims remaining in the application are believed to be in condition for allowance. An early action toward that end is earnestly solicited.

Respectfully submitted,

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